



CONGRESSWOMAN ZOE LOFGREN

Representing California's 19th District

Silicon Valley's Cities of San José, Morgan Hill, and Gilroy

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

President Obama announced on November 20, 2014 the expansion of the Deferred Action for Childhood Arrivals program, also known as DACA. Please continue reading to learn about the changes and how it affects your eligibility for DACA.

DACA is still rooted in educational and/or military achievements, but specific dates regarding age and entry into the U.S. have changed so that more people are eligible for DACA.

Age Cap

The upper age cap for DACA has been eliminated. As of November 20, 2014, there is no longer an upper age cap so that individuals born prior to June 15, 1981, who meet all other DACA guidelines, can now also apply. (Before November 20, 2014, you had to be under the age of 31 as of June 15, 2012 to be eligible for DACA.)

Date of Entry

The date of entry into the U.S. for DACA has been changed from June 15, 2007 to January 1, 2010. As of November 20, 2014, you had to have entered the U.S. on or before January 1, 2010 with continuous residence in the U.S. through the present. This means that DACA still requires continuous physical presence in the U.S. for at least five years with January 1, 2010 as the cutoff date. (Before November 20, 2014, you had to have entered the U.S. on or before June 15, 2007 and you had to have resided in the U.S. continuously since that time.)

Work Authorization

DACA will now be granted for a period of three years, instead of two years. This means that the status itself and the accompanying work permit will be valid for three years with the opportunity to renew before three years have elapsed. This change goes into effect on November 24, 2014 so that if you are applying to renew your DACA status, your renewal should be granted for three years instead of two years as it was before.

The Updated Guidelines

As of November 20, 2014, you are eligible for DACA if you:

1. Came to the United States before reaching your 16th birthday and have no lawful status;
2. Have continuously resided in the United States since before January 1, 2010, through the present time, including at the time for applying for DACA with USCIS;
3. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;



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4. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
5. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

FREQUENTLY ASKED QUESTIONS AND ANSWERS REGARDING DACA

(Deferred Action for Childhood Arrivals)

Who is eligible for the Deferred Action for Childhood Arrivals (DACA) program, as announced and expanded by the President?

When the updates to the program come into effect (sometime in February), you can apply for DACA if you--

- Came to the United States before your 16th birthday and have no lawful status;
- Lived in the U.S. continuously since January 1, 2010;
- Were present on November 20, 2014, the day the President made the announcement, and remained in the U.S. since;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Armed Services of the United States;
- Successfully pass a criminal background check and have not been convicted of a felony, significant misdemeanor or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Is there still an upper age restriction on DACA?

No. Under the expansion of DACA, there is no longer an upper age restriction. Those individuals born prior to June 15, 1981 who also meet the other requirements will be able to apply for DACA.

When can I apply for the expanded version of DACA?



USCIS, the government agency to which you submit your application for approval, has estimated that they will begin accepting applications under the expanded DACA program sometime in February 2015.

I want to get a head start in filling out the paperwork. Where can I get an application for DACA?

The application has **not** been made available yet. Please continue to check back to my website for the latest information as it becomes available. You can also check the agency's website, <http://www.uscis.gov>, for up-to-date information.

If my application for DACA is approved, what immigration benefits will I get?

You will receive a card with your photo on it demonstrating your DACA status, protection from deportation while in the program, and a work permit to work legally in the U.S.

Once I am approved for DACA, can I get a Social Security number?

Yes. Once your work permit arrives in the mail, you can apply for a Social Security number at a local office of the Social Security Administration (SSA). To look up your local office and to learn what documents you need to apply for a social security number, please visit <http://www.ssa.gov/>.

How long will my status as a DACA recipient last? How long will my work permit be valid?

Your status as a DACA recipient and your work permit will be valid for three years (before the expansion of DACA, the permit was valid for two years). You will also have the opportunity to renew your DACA status and work permit before the three years is up.

How much will it cost to submit my DACA application?

We believe the fees will be the same or close to the same as the current fees for DACA, but cannot be certain until the application is made available. (It currently costs \$465 to apply for DACA [\$380 fee plus \$85 fee for biometric services fee for fingerprinting and photo]. Fee waivers are not available and fee exemptions are made available in very limited circumstances.)

Should I get a background check done ahead of time?

For purposes of your application, once you have applied and paid the fee, USCIS will send you a notice to get your fingerprints taken that will be used to conduct the background check.



What if I do not pass the background check?

Before you request DACA, it is very important to understand how past behavior may impact your eligibility for the program. If you believe you have a criminal record, it is imperative that you first consult with a reputable attorney or legal services program for assistance **before** you apply for DACA.

I already have DACA under the President's old announcement. How does this new announcement affect me?

Your DACA approval and work permit is valid until the expiration date on your card. USCIS is currently evaluating how to extend the two-year work permit that is currently issued to DACA recipients to three years instead.

When will USCIS start issuing 3-year DACA permits?

The new three-year work authorization timeframe will be applied for applications currently pending and those received after the President's announcement (after November 20, 2014).

I have DACA, or believe I qualify for DACA and plan to apply. Will being approved for DACA help me get status for my parents?

No. Being DACA-approved in and of itself does not provide a way for your parents to affirmatively apply for deferred action. However, if your parents have other children who are U.S. citizens or legal permanent residents (LPRs or green card holders), they may qualify for the recently announced deferred action program for parents.